

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Las Pulgas Landfill
SWIS No. 37-AA-0903
March 23, 2017

Background Information, Analysis, and Findings

This report was developed in response to the County of San Diego Department of Environmental Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Las Pulgas Landfill, SWIS No. 37-AA-0903, located in San Diego County and owned and operated by the United States Marine Corps. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on February 15, 2017. A new proposed permit was received on February 23, 2017. Action must be taken on this permit no later than April 24, 2017. If no action is taken by April 24, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Remaining Capacity	10,103,973 Cubic Yards	9,503,985 Cubic Yards
Estimated Closure Date	March 2047	September 2059
Maximum Permitted Traffic Volume	80 Vehicles/Day	Removed

Other Changes include:

1. Waste to cover ratio changed from 2:1 to 3:1;
2. Correct the site capacity used through 2015, which changed the site capacity from 12,440,966 to 14,600,000 cubic yards;
3. Updates to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation of the facility, and "LEA Conditions," including the rewording and/or deletions for the purpose of updating and/or clarifying operational requirements;
4. Addition of contaminated soils and dead animals to the waste types received (in lined sections of the landfill only); and
5. Incorporate the updated Joint Technical Document (JTD).

Key Issues

The proposed permit will allow for a change to the waste to cover ratio from 2:1 to 3:1, extend the life of the landfill by approximately 12 years, and add contaminated soils and dead animals to the types of waste to be received. A geophysical survey was conducted in 2014 to better estimate the volume of waste in the “legacy” landfill cell and update the landfill capacity, which identified an increase in the site capacity already used from 2,200,000 cubic yards to 5,000,000 cubic yards. The under estimation of the volume of waste in the “legacy” landfill cell resulted in an updated total site capacity of 14,600,000 cubic yards. There are no changes to the landfill footprint, base elevation, or final grading. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility.

Background

Las Pulgas Landfill is an existing solid waste landfill located within the Marine Corps Base Camp Pendleton in an unincorporated area of San Diego County. The 133-acre facility contains 88.7 acres of permitted disposal area. Las Pulgas began landfill operations in March 1971; waste placement at the time occurred on an unlined area, which is the central portion of the landfill (referred to as the legacy landfill). The legacy landfill is also the unlined waste footprint that ultimately resulted in the United States Environmental Protection Agency (EPA) Subtitle D limit, the limit of waste as defined on October 9, 1991, when Subtitle D became effective. The Subtitle D limit of waste occupied about 39.4 acres.

In 1998, Camp Pendleton, through the Department of the Navy, Southwest Division, Naval Facilities Engineering Command (SWDIV), contracted with EMCON to design a lateral and vertical expansion for Las Pulgas. EMCON completed that design and prepared the original Las Pulgas JTD submitted to regulatory agencies on August 20, 1998. The 1998 expansion design increased the landfill footprint from 39.4 acres to its currently permitted 88.7 acres. The additional 49.3 acres realized in this permit, primarily side slopes, are being developed in several phases, which include the construction of the compliant composite liner and leachate collection and recovery system (LCRS). Currently the Las Pulgas Landfill accepts only nonhazardous residential and commercial solid waste from the Base.

The gross airspace volume was calculated based on the difference between the bottom grades and the final disposal area grading contours. Using AutoCAD software, the gross airspace volumes for each phase and for the total landfill were estimated. A geophysical survey was performed during October 13 to 31, 2014 to determine the thickness and bottom configuration of the “legacy” landfill cell. The geophysical data was used to determine the airspace consumed within the “legacy” landfill cell. The gross capacity within the legacy landfill as of December 31, 2014 is estimated at 4,664,200 cubic yards, which includes 71,250 cubic yards that was placed within the “legacy” landfill cell after the November 25, 2013 aerial survey. An airspace consumed of 361,100 cubic yards was estimated for Phase II by comparing the November 25, 2013 topography to the Phase II excavation. An additional volume of 77,580 cubic

yards was also added to the Phase II airspace consumed to account for the waste and cover soil excavated for the Phase I liner during reconstruction. Adding the airspace consumed for Phase II and the “legacy” landfill cell results in a total estimated airspace consumed of 5,102,800 cubic yards, not 2,200,000 cubic yards as originally estimated. The total gross capacity of approximately 14,600,000 cubic yards of the entire landfill is the sum of the estimated gross airspace consumed and the estimated remaining gross airspace.

Findings

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated February 15, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 7, 2015. The LEA provided a copy to the Department on May 7, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on February 23, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated March 7, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plan technically adequate as described in their memorandum dated February 8, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably	Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
Foreseeable Corrective Action Cost Estimate	reasonable foreseeable corrective action is technically adequate as described in their memorandum dated February 13, 2017.	
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure maintenance, and corrective action in compliance as described in their letter to the operator dated February 3, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their e-mail dated March 2, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 23, 2017. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on February 15, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Notice was posted by the LEA on January 13, 2017. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 23, 2017 and found that the facility was in compliance with applicable state minimum standards.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (January) – No violations were noted.

- 2016 (February) – One violation of 27 CCR Section 20830 - Litter Control.
- 2015 – No violations were noted.
- 2014 (October & December) – One violation of 27 CCR Section 20690 – Alternative Daily Cover; and one violation of 27 CCR Section 20680 – Daily Cover.
- 2013 (December) – One violation of 27 CCR Section 20820 – Drainage and Erosion Control.
- 2012 – No violations were noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The United State Marine Corps, as the Lead Agency, prepared a Categorical Exclusion under the National Environmental Policy Act (NEPA), dated July 9, 2015, in order to update the remaining capacity from 10,103,973 to 9,503,985 cubic yards; increase the site capacity used from 2,200,000 to 5,000,000 cubic yards which resulted in an updated gross capacity from 12,440,966 to 14,600,000 cubic yards; extend the estimated closure date from March 2047 to September 2059 based on the fill rate over the last five years; add contaminated soils and dead animals to the types of waste to be received; change the waste to cover ration from 2:1 to 3:1; and incorporate the updated JTD.

As described in the Key Issues and Background sections above, a geophysical survey was conducted in 2014 to better estimate the volume of waste in the “legacy” landfill cell and update the landfill capacity, which identified an increase in the site capacity already used from 2,200,000 cubic yards to 5,000,000 cubic yards. The under estimation of the volume of waste in the “legacy” landfill cell resulted in an updated total gross capacity of 14,600,000 cubic yards. There are no changes to the permitted area, landfill footprint, base elevation, final grading, operating days/hours or daily tonnage. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility.

The Lead Agency previously prepared an Environmental Assessment (SCH No. 2008064006) dated July 2002 (signed August 19, 2002), and a Continuing Environmental Review Statement (CERS), dated March 23, 2010. The environmental documents sufficiently describe the continued operation of the facility, and provides an estimated closure date of 2184.

The San Diego County Department of Environmental Health (LEA) has made a finding that, pursuant to 14 CCR, Section 15301, this permit modification would fall under

Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project. Following the issuance of the modified SWFP, the LEA will file a Notice of Exemption with the San Diego County Clerk and State Clearinghouse.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Daily operation of the facility will remain unchanged. The changes to the permit are administrative in nature to reflect updated technical survey information that more accurately reflects landfill capacity and the length of time in which the site will reach that capacity.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Environmental Assessment Finding(s) of No Significant Impact, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice on January 13, 2017, in the County of San Diego. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 21, 2017 and March 21, 2017. No comments have been received by Department staff.